THE ARRAIGNMENT and Conviction of Sr Walter Rawleigh,

At the Kings Bench-Barre at *WINCHESTER.*

on the 17. of *November.*
1603.

Before the right Honorable the Earle of *Suffolke*, Lord *Chamberline*, the Earle of *Devonſhire*, Lord *Henry Howard*, Lord *Cecill*, Lord *Wotton*, Sir *John Stanhope* Lord Chiefe Juſtice of the *Common-Pleas*, *Popham* and *Andrewes*, Juſtice *Gaudy*, Juſtice *Warberton*, Sir *William Wade*, Commiſſioners.

Coppied by

Sir THO: OVERBVRY.

LONDON,
Printed by *William Wilſon*, for *Abel Roper* at the *Sun* over againſt St. *Dunſtons* Church in *Fleetſtreet*.
Anno Dom. 1648.

THE

ARRAIGNMENT

and Conviction of

Sr Walter Rawleigh

At the Kings Bench-Barre at

WINCHESTER.

on the 17th of November

1603.

Before the right Honorable the Earle of Suffolke, Lord Chamberlain, the Earle of Devonshire, Lord Henry Howard, Lord Cecill, Lord Wotton, Sir John Stanhope Lord Chief Justice of the Common-Pleas, Peppam and Gaudeny, Justice Gold, Justice Wenderton, Sir William Wray Kiernmill Queen.

Copied by

Sir THO: OVERBVRY.

LONDON,

Printed by William Wilson, for Abel Roper at the Sun over against St Dunstans Church in Fleetstreet.

Anno Domini 1 6 4 3.

THE ARRAIGNEMENT and conviction of Sir Walter Rawleigh,

At the Kings Bench Barre at *Winchester* 17. Novemb. 1603.

AFTER that Sir *Walter Rawleigh* was brought to the Barre, hee ſate upon a ſtoole within a place made of purpoſe for the priſoner to be in, and expected the comming of the Lords: during which time he ſaluted divers of his acquaintance with a very ſteadfaſt and chearefull countenance. When the Commiſſioners were all aſſembled, having ſtood up a while hee deſired the Marſhall to aske leave of the Lords that hee might ſit, which was preſently granted. Then the Court proceeded in his Arraignment according to the ordinary courſe; unto which Sir *Walter* did orderly and willingly diſpoſe himſelfe: as the Jury was culled to the booke, he was asked whether hee would challenge any of the gentlemen impanelled for his Jury, hee ſaid hee knew none of them, but hoped they were honeſt men, and ſo deſired the Court to take their choyce of them. The Jury being ſworne, who were Sir *Ralph Conisbie*, ſir *Thomas Fowler*,

ſir *Edward Peacock*, ſir *VVilliam Rowe* Knights. *Henry Goodier*, *Roger VVood*, *Thomas VValker*, *Thomas VVhitby* Eſquiers. *Thomas Higate*, *Robert Kempton*, *John Chawkie*, *Robert Brumley* Gentlemen. The Inditement was red by the Clearke of the Crowne Office, the effect whereof was as followeth.

THat he *did conſpire and goe about to deprive the King of his government, and to raiſe up ſedition within the Realme, to alter Religion, and to bring in the Romiſh Superſtition, and to procure forraigne enemies to invade the Kingdomes. That the Lord* Cobham, *the ninth of* June *laſt, did meet with the ſaid Sir* Walter Rawleigh: Cobham *was then in* Durham Houſe *in the Pariſh of* St. Martins *in the* Fields, *and then and there had conference with him how toadvance* Arabella Steward *to the Crowne and Royall Throne of this Kingdome, and that then and there it was agreed; that* Cobham *ſhould treate with* Aremberge, *Ambaſſadour from the Archduke of* Auſtria, *to obtaine of him* 600, *thouſand Crownes to bring to paſſe their intended Treaſons: It was agreed that* Cobham *ſhould go to* Albert *the Archduke, to procure him to advance the pretended title of* Arabella, *from thence knowing that* Albert *had not ſufficient meanes to maintaine his owne Army in the Lowcountreys:* Cobham *ſhould go into* Spaine *to procure the King to aſſiſt and further her pretended Title. It was alſo agreed the better to effect all theſe conſpiracies that* Arabella *ſhould write three Letters, one to the Archduke, another to the King of* Spaine, *and another to the Duke of* Savoy, *And promiſing three things; Firſt, to eſtabliſh firme peace betwixt* England *and* Spaine; *Secondly, to tolerate the Romiſh and Popiſh Superſtition; Thirdly, to be ruled by them for the contriving of the Marriage, and for the effecting of theſe trayterous purpoſes,* Cobham *ſhould returne by the Iſle of* Jerſey, *and ſhould find Sir* VValter Rawleigh *Captaine of the ſaid Iſle of* Jerſey *there, and take counſell of him for the diſtri-*

diſtributing of the foreſaid Crownes as the occaſions and diſcontentment of the Subjects ſhould give cauſe and way: And further that Cobham *and his brother* Brooke *did meete on the ninth of* June *laſt, and* Cobham *told* Brooke *all the Treaſons, to which Treaſons* Brooke *gave his aſſent, and did joyne himſelfe to all theſe: And after on the Thurſday following* Cobham *and* Brook *did trayterouſly ſpeake theſe words. That there would never be a good world in* England, *till the King and his Cubs (meaning his Royall iſſue) were taken away, and the more to diſable and deprive the King of his Crowne, and to confirme the ſaid* Cobham *in his intents,* Rawleigh *did trayterouſly publiſh a Booke falſely written againſt the moſt juſt and royall title of the King, knowing the ſaid book to be written againſt the King, which book* Cobham *afterwards received of him; And further for the better effecting of theſe trayterous purpoſes, and to eſtabliſh the ſaid* Brook *in his intents,* Cobham *did deliver the ſaid Booke to him on the fourteenth of* June, *and on the ſixteenth of* June *for the accompliſhment of the ſaid conference and by the trayterous inſtigations of* Rawleigh, *did move* Brook *to incite* Arabella *to write to the three foreſaid Princes to procure them to advance her Title, & that ſhe, after that ſhe had obtained the Crowne, ſhould performe three things, viz. To eſtabliſh a firme peace betwixt* England *and* Spaine; *Secondly, to tolerate the Popiſh Religion with impunitie; Thirdly, to be ruled by them three in the contracting of Marriage by their aſſent: And for the better effecting of theſe Treaſons* Cobham *upon the* 17. *of* June *by the inſtigation of* Rawleigh *did write Letters to count* Aremberge *and delivered the ſaid letters to one* Mathew de Lawrencie, *who delivered them to the Count for the attaining of* 600000. *Crownes, which money by other letters* Aremberge *did promiſe to performe payment of, and thoſe Letters* Cobham *did receive on the* 18. *of* June, *then did* Cobham *promiſe* Rawleigh *that when hee ſhould have received*

that money, he would deliver 8000. *Crownes to him, to which motion he did conſent. And afterwards* Cobham *offered* Brooke, *that when he ſhould have received that money, hee would give* 10000. *Crownes thereof to him, to which motion* Brooke *did aſſent.*

Maſter Serjeant *Heale* opened the matter, and delivered the effect of the inditement; In whoſe ſpeech this was obſerved, that he charged Sir *Walter* to have intended the Intitling of the Lady *Arabella Steward* to the Crowne, who he ſaid had no more title thereunto than he had himſelfe, and further ſaid after a little pauſe, that hee for his owne part did diſclaime and renounce all title thereunto. whereat Sir *Walter Rawleigh* ſmiled. The Serjeant concluding Mr. Atturney *Cooke* began, and with a long diſourſe amplified (with vehement words and actions) the ſeverall treaſons whereof Sr *Walter* ſtood indited, wherein hee ſo farre moved Sir *Walter* that hee many times offered to make anſwer for himſelfe before the Court would give him leave; proteſting Mr Atturney told him newes hee never heard of before, and that his memory (by reaſon of his ſickneſſe) was ſo feeble that he could not remember ſo many circumſtances as Mr. Atturney tired him withall; But Mr. Atturney preſſed the Lords that the Kings evidence ought not to be broken, or diſmembred, whereby it might looſe much of its grace and vigor: notwithſtanding it was yeelded, when M. Atturney came to his proofe, Sir *Walter Rawleigh* ſhould have leave to anſwer his ſeverall points as they were objected: In Mr. Atturney divers things were obſerved which were ſaid and uſed in his narration or evidence. Some captiouſly noted that hee ſaid this treaſon did tend not onely to the overthrow of true religion and deſtruction of all our ſoules, but even to the loſſe of our goods, lands, and lives: But it ſeemeth hee meant

meant reciprocally: others thought him full of impertinent phraſes and complements, and ſpecially when hee ſpake of the Kings iſſue or of the Lords, after hee ſaid hee would ſay nothing of them, then hee would preſently fall into groſſe and palpable adulation of them to their faces: but in their commendations he ſpake nothing but truth: ſome noted his care and diligence in delivering to the people that the King ſaid he would looſe lands, crowne, & life before he would ſuffer a tolleration or alterration in Religion; and that to theſe Traytors (for *Cobham* and *Gray* were upon the bye) he had done nothing rigorouſly, nothing unnaturally: nothing precipitatly, not rigorouſly, becauſe no torture uſed: not unnaturally, becauſe the brother was not preſſed (further then he would) to accuſe his brother: not precipitatly becauſe of the long time his gracious Majeſty had promiſed before hee would bring them to their Arraignment: this was much to the ſatisfaction of the people, but this he was commanded to deliver: All the aſſembly could have wiſhed that hee had not behaved himſelfe ſo violently and bitterly, nor uſed ſo great provocation to the priſoner: which the better ſort imputed to his zeale in the Kings ſervice, and to the paſſion which overwhelmed him in the cauſe of his Countrey: as when he brake forth into theſe and the like ſpeeches: This horrible and deteſtible Traytor, this maine Traytor (for the reſt were upon the bye) this inſtigator and ſeducer to treaſons, he that hath a ſpaniſh heart, you are an odious man, ſee with what a whoriſh forehead he defends his faults: this is he that would take away the King and his Cubbs, O abominable Traytor: but many that prejudicate of Mr. Atturneys nature would hardly bee perſwaded but thoſe ſpeeches proceeded out of the inſolency of his owne diſpoſition given to tryumph upon poore delinquents, and men in miſery, honeſt men have reaſon to thinke the beſt:

And

And as the Atturney was noted, ſo was the carriage of *Rawleigh* moſt remarkable, firſt to the Lords (principally to my Lord *Cecill*) humble, yet not proſtrate; dutifull, yet not dejected, for in ſome caſes he would humblie thanke them for gratious ſpeeches, in other acknowledge that their honours ſaid true, as in relating ſome circumſtances: And in ſuch points wherin he would not yeeld unto them, he would crave pardon, and with reverence urge them, and anſwer them, as in points of Law, or eſſentiall matters of fact; towards the Jurie affible, but not fawning, not in diſpaire nor beleeving, but hoping in them carefully perſwading them with reaſons, not diſtemperately importuning them with conjurations; rather ſhewing love of life then feare of death. Towards the Kings Councell patient, but not inſenſibly neglecting, not yeelding to imputations layd againſt him in words, and it was wondred that a man of his heroick ſpirit could be ſo valiant in ſuffering, that he was never overtaken in paſſion: But when it was inſinuated that it was ſaid that it would never bee well till the King and his cubbs were taken away, hee ſaid that Mr. Atturney uſed him baſely, barbarouſly, and rigorouſly, and that hee was abaſe ſlave and a wretch that ſpake the words, but hee received comfort in theſe baſe words of Mr. Atturney for he hoped that it ſhould be the worſt he ſhould be able to doe againſt him.

The accuſation may be ſaid to be of two parts, *viz.* Perſonall againſt the King, and publikely againſt the State and quiet of the Realme. Both high Treaſon, the perſonall Treaſon was of two ſorts. The firſt a conſpiracy againſt the Kings life: the ſecond a practiſe to diſable the Kings title to the Crowne of *England*. To prove that *Rawleigh* intended the Kings death, the confeſſion of *George Brooke* was enforced, who ſaid that his brother my Lord *Cobham* told him that he and my Lord *Gray* were but

upon

upon the Bye, but the ſaid *Cobham* and Sir *Walter Rawleigh* were upon the maine for it, and ſhould never be well till the King and his Cubbs were taken away. And further ſaid that he thought in his conſcience that the ſaid ſpeech of the Kings Cubbs proceeded from *Rawleigh*. And it was further declared, that the confeſſion of *George Brooke* was enforced, and not voluntarily made, untill Sir *Griffin Markham*, and *Watſon* the Prieſt had vouched him for the knowledge of ſome farther purpoſe, than the ſurprizing of the King. To this Sir *Walter* anſwered that *George Brook* would ſay anything of him, but he thanked God he never ſpake with him; for if he had ſpoken but five words he perceived that it had been enough. Then my Lord *Cecil* ſaid that indeed he thought that *George Brook* had a ſpleen to Sir *Walter*, but his brother my Lord *Cobham* and he were good friends, and therefore he could not tell whither he hated *Rawleigh* ſo much as to do his brother ſo great a diſpleaſure, and ſaid, that my Lord *Cobham* might if he did practice (as himſelfe confeſſed) with *Spaine*, give Sir *Walters* name in to credit him withall, as a man that favoured him, and on whom he did preſume more than he had reaſon. To prove that *Rawleigh* practiſed to ſcandalize his Majeſties Title to the Crowne. My Lord *Cobhams* confeſſion was produced, That Sir *Walter* delivered him a Booke concerning the Kings Title, but told him withall, that it was a very fooliſh book which he delivered to his brother *George* to conſider of, and *George Brook* confeſſed that his brother gave him ſuch a Book, whereof he read onely the Titles of the Chapters, containing matter againſt the Kings Title and Line. And it was not omitted by the Attourney, that this Booke was delivered upon occaſion of my Lord *Cobhams* diſcontentment. *Rawleigh* confeſſed that he had ſuch a booke which he never read, but it was intitled, *A Defence of the Queenes*

proceedings againſt Mary *Queene of* Scotland, And conſtantly denyed that he delivered it to my Lord *Cobham*, but that my Lord *Cobham* tooke it out of his Study (if he had any ſuch of his) without his knowledge, he proteſted: Here my Lord *Henry Howard* ſignified that my Lord *Cobham* was asked in his examination whither Sir *VValter* gave him the booke, or that he took the ſame? and he ſaid that Sir *Walter* gave it him: But that ſince he had told ſome (who were againe with him) that whereas he had ſaid that Sir *Walter* gave him the booke, the truth was he took the ſame of himſelfe out of his ſtudy when he was aſleepe. Then my Lord *Cecil* asked Sir *Walter*, where he had the book; and he ſaid he tooke it out of my late Lord Treaſurer *Burleighs* ſtudy after he was dead. My Lord *Cecil* deſired to know whither out of that which was left to him or to his brother? And he ſaid out of that which was in my Lord Treaſurers houſe in the Strand. Whereupon my Lord *Cecil* publiſhed, that after his Fathers death, Sir *VValter* deſired to ſearch for ſome Coſmographycall deſcriptions of the Weſt-Indies which he thought were in his ſtudy, and were not to be had in print, which he granted, and ſaid he would as ſoon have truſted Sir *Walter* as any man: though ſince (for ſome infirmities of Sir *VValters*) the bonds of his affection had been crackt, & yet reſerving his duty to the King his Maſter (which he could not deſpence withall in his ſervice) hee ſwore by God he loved him, and found a great conflict in himſelfe, in that ſo compleat a member in a common-wealth was fallen away. But he muſt needs ſay that Sir *VValter* uſed him diſcourteouſly to take the book away and not to acquaint him therewith: Neverthleſſe he ſaid he need not to make any Apology in the behalfe of his Father, conſidering how uſuall and neceſſary a thing it is for Councellors and thoſe in his place to intercept and keep all ſuch kinde of writings, for whoſoever

ſoever ſhould now ſearch his ſtudy (or at leaſt his Cabinet) ſhould like enough finde all the famous libells that ever were made againſt the Queene that dead is: and ſhall alſo finde divers made againſt the King our Soveraigne Lord that now is, ſince his coming to the Crowne: Sir *VValter* ſaid that the book was a manuſcript, and had noted in the beginning with my Lord Treaſurers owne hand, this is the book of one *Rob. Snag*, and affirmed that as my L. *Cecil* had ſaid, he thought a man might finde alſo in his houſe all the libells that had been made againſt the late Queene: But M. Attourney ſaid that he was no privy councellor, nor he hoped never ſhould be: my Lord *Cecil* anſwered that he indeed was no councellor of ſtate, yet he had been often called to conſultation: Sir *VValter* thought it a very ſevere interpretation of the law to bring him within the compaſſe of Treaſon onely for this book written ſo long agone as it was, whereof no man had read more than the Titles of the Chapters: and which was burned by *George Brook* without his privity; admitting that he had delivered it to my Lord *Cobham*, not advancing, nor approving the ſame, but diſcommending it, as *Cobhams* firſt confeſſion was; and he put this caſe, If he ſhould come to my Lord *Cecil* (as oft he had done) and finde a ſearcher with him with a packet of libells, and my Lord let him have one or two to peruſe, this he hoped was no treaſon. To prove this treaſon againſt the State and common-weale my Lord *Cobhams* confeſſions were read to this effect. That it was agreed between Sir *VValter Rawleigh* and him that my Lord *Cobham* ſhould deale with Count *Aremberg* to procure ſix hundred thouſand crownes, that Count *Aremberge* did promiſe to ſatisfie his requeſt, to the intent to advance the Title of *Arabella*: and that it was likewiſe concluded that *Cobham* ſhould (under pretence of travelling) Goe into the Low-Countries, into France, and

Spaine, and carry three letters from the Lady *Arabella* to the Arch-Duke, to the Duke of *Savoy* and to the King of Spaine to obtaine the ſaid ſumme of Crownes, and thereby to promiſe three things unto the Princes. Firſt that there ſhould be a peace concluded with Spaine. Secondly, that there ſhould be a toleration of Religion in England. Laſtly that ſhe would not marry but by the direction of the ſaid Princes. And that ſhe ſhould come back by *Ierſey*, and there he ſhould meet with Sir *VValter Rawleigh* and then they would agree how to diſpoſe the mony to diſcontented perſons (whereof he thought he ſhould finde many at his returne) and that Sir *VValter* ſhould have a great number of crownes from the ſaid Count *Aremberge*, And that Sir *VValter* thought that the beſt courſe to trouble England was to cauſe diviſion in Scotland: And my L. *Cobham* further accuſed *Sir Walter*, to have bin the only inſtigator of him to all theſe treaſons. And one *Mat. de Lawrencie, a merchant of Antwerp* that was uſed between Count *Aremberge*, and my L. *Cobham*, confeſſed that Sir *Walter Rawleigh* ſupped with my Lord *Cobham* one night when he came to my Lord *Cobhams* houſe, and that they three went alone to Sir *Walter Rawleighs* houſe in the Strand by water, and that the ſaid *Mathew de Lawrencie* delivered a letter to my Lord *Cobham* from Count *Aremberge* at Durham-houſe, and immediately Sir *Walter* went up with my Lord *Cobham* into his chamber, and *Mathew de Lawrencie* tarried below: Sir *Walter* confeſſed that he knew very well, that *Mathew de Lawrencie* held intelligence betweene Count *Aremberg*, and my Lord *Cobham*, and ſo did the Lords of the councell know, that it had been ſo theſe ſeaven yeares by licence of the Queene: But that he knew to what purpoſe it was now of late, he denied, other then he took it to have been concerning the buſineſſe of the peace with Spaine, for that my

Lord

Lord *Cobham* ſaid that his brother *George Brook* was very loath to accuſe him, Sir *Walter* proceeded, and asked, whither my Lord *Cobham* had accuſed him or confeſſed any ſuch thing. It was anſwered that my Lord *Cobham* had been asked whither he had ſpoken any ſuch thing concerning his ſaid brothers unwillingneſſe, and he would make no other anſwer but that he had: however he ſaid it proceeded out of a diſcontented minde from the ſaid *George Brook*, which M. Attourney ſaid was a confeſſion of their pretence in law. Then Sir *VValter Rawleigh*, ſaid that if my Lord *Cobham* had accuſed him as they alledged, he ought to renew his accuſation to his face, that ſo he might not be maſſacred by heerſay, and affirmed it was Sir *Nicolas Throgmortons* caſe. There was further urged againſt Sir *VValter* for intending to make away the King the teſtimony of one that had been lately at ſea, who was in the *C*ourt in a blew caſſock and depoſed. That being at *Lisbone* not long after the coming in of the King into England, a Portugall Gentleman asked him whence he was, and ſaid of of England: Then he asked whither our King were crowned or not, and he anſwered he hoped ſo by this time, whereupon the Portugall ſaid that my Lord *Cobham* and and Sir *VValter Rawleigh* would make him away before it were long, Sir *VValter* made light of this rumour and of the witneſſe, and ſaid that he thought it might be ſo; for that my Lord *Cobham* knowing that he had written a book and preſented it to the King, to move his minde not to make his peace with *Spaine*, hearing him one day at his Table diſpute very violently againſt the peace, told him in his Gallery preſently after, he need not be ſo much againſt the peaces, for he ſhould have ſeven thouſand *C*rownes to labour for it, and that he thought it to be a toye nor knew how to deſerve it, yet his anſwer was let me ſee the mony, and then I will anſwer you to the purpoſe

poſe. And my Lord *Cobham* told him further, that he would offer a great ſumme of mony to my Lord *Cecill* and to my Lord of *Northumberland* to the ſame end, but he diſſwaded him from it, and told him, they would hate him as long as they live for it. And Sir *VValter* ſaid further, that the occaſion of my Lord *Cobhams* accuſation was this *viz.* When as Sir *Walter* perceived by the Lords that they had the ſaid *Mathew de Lawrencie* in jealouſie to do ſome bad offices between Count *Aremberge* and my Lord *Cobham* (who as he thought was juſtly condemned upon theſe advertiſements) that he obſerved my Lord *Cobham* that night (when my Lord *Cobham* brought him home to his houſe) to go back paſt his owne ſtayres towards his Counteſſes lodgings, with the ſaid *Mathew de Lawrencie*, as if he had been very ſorry to have parted with him. Then he writ to my Lord *Cecil* to ſignifie to him that in his judgement if he apprehended *Mathew de Lawrencie* preſently, it might be a means that he might intercept their intelligence (perhaps not yet ripe) And if otherwiſe *Mat. de Lawrencie* might perchance be ſhuffled away, and ſo left it to his Lordſhips conſideration: And afterwards my Lord *Cobham* had conſtantly denied theſe matters upon his examination, this letter was ſhewed unto him as though Sir *Walter* had induced him to all the inconveniences he had fallen into, which after he had read, he deſired to read it againe. And upon aſſurance it was Sir *Walters* Letter, in a great paſſion he brake forth into theſe ſpeeches; Oh Villaine! Oh vile Traytor! hath he uſed me thus? Nay then I will tell you all, and thereupon in madneſſe and perſwaſion of the wrong that Sir *Walter* had done him, he delivered the right accuſation, the ſubſtance whereof was not denied, though M. Attourney noted that he conſidered of a ſecond time before he entred into paſſion, Sir *Walter* appealed to all that knew my Lord *Cobham*, that

he

he was as paſſionate a man as lived, and ſaid, that in his choller he had accuſed his friends of greater matters than theſe, and had been ſorry for it afterwards. The Kings Councel replyed that the confeſſion of *George Brook* of the foreſaid ſpeeches of my Lord *Cobham* touching himſelfe, and Sir *Walter*, for a further plot than they two by any way could excuſe, muſt ſtand good in law, in that thoſe ſpeeches were uttered (as it appeared) before thoſe matters came out, and before my Lord *Cobham* had conceived the ſpleene againſt Sir *Walter* upon the ſight of this letter. And further produced my Lord *Cobhams* confeſſion. That Sir *Walter* after his firſt being before the Lords, did write unto him the ſaid *Cobham*, that he had been examined of many things concerning him, but he had cleared him in all: Now the Lords proteſted that all this while he was not asked one queſtion touching my Lord *Cobham*, and therefore the Attourney inferred that he writ this out of a fearefull and guilty conſcience, to confirme my Lord *Cobham* in his deniall, againſt he ſhould be examined: Sir *Walter* hereupon declared that my Lord *Cobham* put him in truſt to paſſe the Inheritance of certain fee farme lands for him, and gave divers jewells of great value for his ſecurity, which were in his boſome at the time of his apprehenſion, and that my Lord *Cobham* had a Cabinet worth thirty pound, which Maſter Attourney ſhould have had for his favour: and that at his returne from the Lords with private reſtraint to his owne houſe; my Lord *Cobhams* footman came to him to know what was done in the buſineſſe: and he unwilling to have it knowne that he was reſtrained, diſpatched the footman, ſaying he would write to his Lord, and ſo did by Captain *Kemiſh*. Beſides for that which he writ of the ſaid buſineſſe, and acquainted my Lord *Cobham* that he had been examined, and that he had cleared his Lordſhip: he did write ſo in this regard,

that

that though he were not examined of my L. *Cobham*, yet he talking with my Lord *Cecil*, and his Lordſhip telling him he was glad there were no more in the action than there appeared, and that he hoped ſuch a one was not in, S. *Walter* ſaid that my Lord *Cobham* was abſolutely cleer: and my Lord *Cecill* replyed he did hope ſo, and thought no leſſe: all which was ſaid in regard my Lord *Cobham* was thought to be diſcontented. But afterwards my Lord *Cecil* ſaid, Sir *VValter* you have *Kemiſh* againſt you who carried the letter and toare out that ſheet, which concerned the Lords of the Councell (for ſo was my Lord *Cobhams* confeſſion) and he hath been offered the rack for it, but what he has confeſſed, I as yet know not: Anſwer was made by Sir *VVilliam VVade*, that *Kemiſh* had confeſſed he carried a letter, and knew nothing at all of the contents and that indeed he was told that he deſerved himſelfe to be put to the rack for it: well ſaid Sir *VValter* the Rack-keeper was called for, was he not? Sir *VVilliam VVade* ſaid, that it was privately reported, that *Kemiſh* had his Maſters letter back from my Lord *Cobham*, but Sir *VValter* confeſſed no ſuch matter. But concerning that he was charged withall, for practiſing to make a combuſtion in Scotland, he confeſſed the words of my Lord *Cobhams* accuſation to this effect, That he thought the beſt courſe to trouble England, was to cauſe ſedition in Scotland, and ſaid that he had thought ſo any time theſe twenty yeeres, and ſo it had been alſo held by the wiſeſt men in this Kingdome: And he had delivered his opinion to be ſuch divers times to the Lords of the councell, and he thought that there were few there but were of his opinion: Sir *VValter* alſo offered to the conſideration of the Iury, that my Lord *Cobham* had not ſubſcribed his accuſation; Then the Lords requeſted my Lord Cheife Iuſtice to deliver whether ſubſcriptions were neceſſary by the Law, and

my

my Lord Chiefe Iuſtice ſaid they were not : Nay ſaid Sir *Walter*, pardon me my Lord, for this, by your Lordſhips favour, I take to be the courſe of examination in this kinde. After that the examinate hath confeſſed, and his confeſſion is written, it is all read over againe diſtinctly and deliberately to him, that he may be ſure to ſay nothing but truth : and then in confirmation that it is undoubtedly true, and that he will ſtand thereunto, he is to ſubſcribe the ſame. Now my Lords, if my L. *Cobham* did accuſe me thus raſhly out of his paſſion, and afterwards when he had read it againe, began to relent, and (with ſorrow for the wrong he had done me) refuſe to ſet his hand thereunto, then I ſay my Lords I have reaſon to take hold of it : And it is well knowne to you my Lord *Cecil*, and my Lord of *Northampton*, how he hath recanted his accuſation, moreover he hath moſt penitently ſorrowed for this injury he hath done me, and could never be quiet in his conſcience till he had purged me. Maſter Atturney ſaid, that in my Lord *Cobhams* accuſation there were many things, that he had recanted, but there was no eſſentiall point prenominated, which he had recanted : And my Lord *Cecil* ſaid, that the reaſon, that my Lord *Cobham* gave, why he would not ſubſcribe, was, becauſe he thought he was priviledged by his degree : wherein he appealed to my Lord Chiefe Iuſtice, who anſwered that it was a great contempt to refuſe to ſubſcribe, but it did not appeare that thereupon he did ſubſcribe. Then Maſter Atturney delivered that it was Sir *Walters* policy to have but one witneſſe, becauſe he thought that one witneſſe could not condemne him. Sir *Walter* thereupon furiouſly ſtarted up, and ſaid to him, Maſter Atturney, you muſt not thinke that all that maketh for me is policy, and all that maketh againſt me is plain, and God revealeth it. I were well fitted for juſtice, if you ſhould come to be my Judg, what indifferency is there

in this my Lord Chiefe Juſtice? Remember I beſeech your Lordſhip the ſtatute of the firſt of *Edward* the Sixth hath this. That no perſon ſhall be condemned of treaſon unleſſe he be accuſed by two lawfull accuſers, and thoſe to be brought before the party, if they belong to England. And remember too the ſtatute of the 13 of the Queen. No man ſhall be arraigned of treaſon, without the oath of two ſufficient and lawfull witneſſes brought face to face. My Lord Chiefe Juſtice ſaid, the ſtatute of the firſt of *Edward* the Sixth, was repealed by the firſt and ſecond of *Philip* and *Mary*, and reduced all tryall of treaſon to the courſe of the Common-law. And that the ſtatute of the thirteenth of *Elizabeth* extended to ſuch offences as were mentioned in the ſaid act to be committed againſt the Queene that dead is. And that all was now put to the Common-law, and that by the Common-law one witnes was ſufficient concerning preſumption, ſome of the Judges ſaid: That by the law a man might be condemned without a witneſſe, onely upon preſumption. As if the King (whom God defend) ſhould be ſlaine in his Chamber, and one is ſeene to come forth of the Chamber with his ſword bloody being drawne, were not this evident both in law and opinion without further inquiſition? And my Lord Chief Juſtice ſaid that one witnes accuſing himſelf too, was very great teſtimony; eſpecially in this caſe. For it was not to be imagined that my Lord *Cobham* would do himſelfe ſo much harme, as to adventure the loſſe of his honour, lands of ſo great worth, and his life, for any ſpleene to Sir *Walter*, unleſſe the matter were true, and therfore the accuſation was very ſtrong againſt Sir *Walter*. Note that the treaſons againſt Queen *Elizabeth*, which by the ſtatutes of the thirteenth of her raigne were to be proved by the oath of two witneſſes, were death or bodily harme intending to death, imagined againſt her, levying of

vvarres

warres within or without the Realme againſt her, plots to depoſe or deprive her, publiſhing her to be a Tyrant, Heretick, Infidell, Schiſmatick, Vſurious, *&c.* Sir *Walter* proceeded and urged, that though theſe ſtatutes lived not, yet he knew very well the reaſon of theſe ſtatutes and equity of them lived ſtill. But howſoever I am ſure (ſaid hee) the law of God liveth for ever. And you ſhall finde it in *Deutronomy* in the ſeventeenth Chapter. *In ore duorum aut trium teſtium peribit qui interficitur. Nemo occidatur uno contra ſe dicente teſtimonium.* And in the nineteenth Chapter. *Non ſtabit unus teſtis contra aliquem : quicquid illud peccati, et facinoris fuerit. Sed in ore duorum aut trium teſtium ſtabit omne verbum.* Divers other places of the old Teſtament are to this pupoſe, confirmed by our Saviour too in the eighteenth of *Mark*, and the eight of *Iohn*, and by Saint *Paul*, *Corinth* 2. 13, And by the whole conſent of the Scripture. And if the Common-law be as *Brookes* ſaith (who was a great Lawyer) then there ought to be two witneſſes: For he ſaith a tryall is by verdict, and by witneſſe, wherein my Lord Chiefe Juſtice ſaid he was deceived. But ſaid he you tell me of one witneſſe, let me have him. Prove theſe practiſes by one witneſſe, and I will confeſſe my ſelfe guilty to the King in a thouſand treaſons. I ſtand not upon the Law, I defie the law, if I have done theſe things I deſire not to live: whether they be treaſons by the law or no. Let me have my accuſer brought to my face, and if he will maintaine it to my face, I will confeſſe my judgement. Here my Lord Chief Juſtice being required to ſignifie his opinion of the law in this caſe, he ſaid it was not the law to have the witneſſe brought to his face, conſidering he accuſed himſelfe alſo: To the which the reſt of the Judges agreed Sir *Walter* replyed, it was not againſt or contrary to the law: Howſoever I do not expect it of duty: And yet I ſay you ſhould

deale very ſeverely with me if you ſhould condemne me and not bring my accuſer to my face. Remember a ſtory of *Forteſcue* a reverend Chief Juſtice in this Kingdome; Tells of a Judge in this Kingdome that condemned a woman for murthering her husband, upon the preſumption or teſtimony of one witneſſe (as it ſeemed) and after ſhe was burned, a ſervant of the mans that was ſlaine (being executed for the ſame fault) confeſſed that he ſlew his Maſter himſelfe, and that the woman was innocent. What did the Judge then ſay to *Forteſcue*, touching the remorſe of his conſcience for proceeding upon ſuch ſlender proof, *Quod nunquam de hoc facto animam in vita ſua ipſe purgaret.* That he could never be at peace of conſcience whileſt he lived, although he but gave conſent upon the verdict of the Jury. But my Lords for the matter which I deſire, remember too the ſtory of *Suſanna*: *Daniel* thought the Judges fooles becauſe they would condemn a daughter of *Iſrael* without asking the witneſſe a queſtion: Why then my Lords, let my accuſer be brought, and let me aske him a queſtion, and I have done: for it may be it will appeare out of his owne tale, that his accuſation cannot be true, or he will be diſcovered by examination. But yet principally my Lords remember what is ſaid in the *xix.* of *Deutronomy*, *Si ſteterit teſtis mendax contra hominem accuſans cum prevaricatione, ſtabunt ambo, quorum cauſa eſt ante dominum, in conſpectu ſacerdotum, et judicum, qui fuerint in diebus illis.* And I will tell you, Maſter Atturney, if you condemne me upon bare inferences, and will not bring my accuſer to my face: you try me by no law but by the Spaniſh inquiſition. If my accuſer were dead, or not within the land, it were ſomething. But my accuſer lives, and is in the houſe, and yet you will not bring him to my face. About this time my Lord *Cecil* asked him if he would take iſſue upon theſe points upon my Lord *Cobhams* teſtimony

ſtimony: if my Lord *Cobham* would now juſtifie under his hand his accuſation, and it might be that he would (by the advice of the Lords) joyne iſſue with him, Sir *VValter* made no direct anſwer thereunto, but ſtill beſought them to bring his accuſer to his face. My Lord *Cecil* then replyed, Sir *Walter*, it cannot be granted you: you have heard your ſelfe that the Law will not diſpenſe with it. It may not be forgotten that before *Rawleigh* had been ſo importunate to have his accuſer brought to his face, he uſed very probable reaſons to the Jury to ſatisfie them, how ſilly and fooliſh an enterpriſe this was, whereof he was accuſed, and how unlikely a thing it was that he ſhould enter into it. Firſt, ſaid he that I ſhould make choice of my Lord *Cobham* of any man living: A man of no following, nor of no force; that I ſhould dreame of diſturbing of the ſtate, now every body was ſo glad of the Kings comming, and of unexpected peace: and now the ſtate was greater, and ſtronger than ever it was. That I ſhould be ſo ſimple to expect mony from Spaine: for I knew how much that Kings revenue was impared, and his treaſure intercepted. I alſo knew well that where he had uſually in his Havens, 6 or 7 ſcore ſayle of ſhips, now he had not ſix or ſeaven ſayle of ſhips: I knew well too that his Jeſuites begged from door to door in Spaine: and I knew well that the King of Spaine was bankrupt, as was proteſted by moſt of the Merchants of Chriſtendome. And could I imagine then that in his poverty he could diſburſe ſix or ſeven hundred thouſand Crowns? or if he had been in caſe, could I thinke it ſo eaſy a matter, to obtaine ſuch a ſum of mony of the Spaniard? do Princes ſo eaſily now a dayes part with ſuch Maſſes of mony? I knew that the Queene of England diſburſed no mony to the States of the Low-countryes (though it were partly for her owne ſecurity) before ſhe had the *Brill* and *Fluſhing* in pawne. I knew like

likewiſe Shee disburſed no mony into *France* (though for the like occaſion) till ſhee had *New-haven* in pawne, and afterwards more warme ſecurity: Nay, the Citizens of *London* would not lend their Queene money, till they had her lands in pawne. What pawne had we to give the King of *Spaine*? What did we offer him? Or how could we invent to offer to him the letter of an *Arabella*, whom he could not chuſe but know to be of no following, what a mockery is this? what would I make my ſelfe? A Cade? A Kett? A Jack-Straw? Againſt theſe probabilities, the preſumptions before alledged, were laid altogether, to fortify my Lord *Cobhams* accuſation, in the ordering whereof Maſter Atturney ſhewed great wiſdome and care in his Majeſties buſineſſe. And whereas Sir *Walter* had urged, that it was not likely the King of *Spaine* would be ſo eaſily perſwaded to provoke the King of England to a warre, conſidering his bad fortune in ſix or ſeaven enterpriſes againſt this State, and what he had loſt by warre with England: Maſter Atturney ſaid he was ſo much the more likely to deſire revenge, and to entertaine the leaſt hope thereof. But *Rawleigh* anſwered: All your ſuſpitions, and inferences, are but to fortify my Lord *Cobhams* accuſation; My Lord *Cobham* is the onely man that doth accuſe me. My Lord *Cobham* lives and is in the houſe, let him maintaine his accuſation to my face. My Lord *Cobham* hath confeſſed himſelfe guilty, he is meerly at his Majeſties mercy: and without doubt ſhall highly offend the King, if he go back from his word, wherein he hath abuſed his Majeſty, and ſo is to looke for no mercy, but ſhall ſurely dye. On the other ſide he hath accuſed me to inſtigate and draw him into theſe treaſons, and if it be ſo, then I have been the overthrow of him, his honour, eſtate and all. He is a man of a moſt revengeful nature, as all the world knowes, who would he be more willingly revenged

on

on, then on him vvho hath been his utter overthrovv? Why then my Lords if he vvill not diſpleaſe the King in hope of mercy and compaſſion (vvhich is his onely plea) If he will be revenged on the man that brought him to all this, that hath ruinated him and his houſe, then will he juſtifie his accuſation to my face, then good my Lords let us be brought face to face. My Lord of *Northampton* replyed, Sir *Walter* you have heard it cannot be granted you, pray importune us no longer. No longer ſaid *Rawleigh*? it toucheth (my Lord) upon my life which I value at as high a rate as you do yours. At laſt Sir *Walter* was asked, whither he would ſay any more. Then he directed his ſpeech to the Gentlemen of the Jury, ſaying, you have heard the proofs, I pray you conſider that theſe men (meaning Maſter Atturney and the reſt of the Lawyers) do uſually defend very bad cauſes every day in the Courts againſt men of their owne profeſſion, as able as themſelves: & if they can do ſo, what may they do with me, that never ſtudied the law till I came into the Tower of *London*: That have been practiſed in other affaires, and am weake of memory and feeble as you ſee, for he was faine to have pen and inke to helpe his memory in the long ſpeeches that were made againſt him. But remember the godly ſaying of Saint *Auguſtine*, *Si judicaveritis tanquam jam judicandi eſtis.* If you would be content to be judged upon ſuſpitions and inferences, if you would not have your accuſation ſuſcribed by your accuſer. If you would not have your accuſer brought to your face (being in the ſame houſe too) where you are arraigned, if you would be condemned by an accuſation of one recanted and truly ſorrowfull for it, if you in my caſe would yeeld your bodyes to torture, looſe your lives, your wives, and children, and all your fortunes upon ſo ſlender proof. Then am I ready to ſuffer all theſe things. Now after Maſter Serjeant

Phillips

Phillips had made a very long repetion of all the accuſation. Maſter Atturney asked Sir *Walter* againe whither he would ſay any more. *Rawleigh* anſwered if he would ſay any thing he would anſwer him. Maſter Atturney told him the Kings councell muſt ſpeake laſt. Nay by your leave (ſaid he) he that ſpeakes for his life ſhall ſpeake laſt. Are you contented ſaid Maſter Atturney that the Jury ſhall go together: yea, in Gods name ſaid Sir *Walter*. Then Maſter Atturney entred into a ſpeech to this effect: Now *Jeſus Chriſt* ſhall be glorified, *Jeſus Chriſt* ſhall have a great victory this day, as great as when it was ſaid *vicisti Galilee*. Now Sir *Walter* I will prove you to have a Spaniſh heart. See with what a vvhooriſh forehead he hath defended his fault: he hath deceived my poore Lord *Cobham* as *Eve* was deceived with an apple, by a letter in an apple, and hath ſeduced this poor Lord to write I know not what to him againſt his conſcience: But he could not ſleepe quietly till he had revealed the truth of it to the Lords, and voluntarily of himſelf written the whole matter to them with his owne hand but yeſterday, vvhich I vvill read vvith a loud voice though I be not able to ſpeake this ſennight after: and ſo pulled my Lord *Cobhams* letter out of his pocket, vvhich vvas in effect thus to the Lords. *vizt*. That Sir *Walter* had vvritten a letter to him a weeke before to intreat him for Gods ſake, to ſignifie unto him by his letter that he had vvronged him in his accuſation, and told him that the Lords had appointed to meet at Maſter Atturneys houſe, to conſider of his cauſe: and that it vvas better to be conſtant in deniall than to appeale to the King, and that he ſhould take heed of Preachers by my Lord of *Eſſexes* example. Novv it vvas (vvrites my Lord *Cobham*) no time to diſſemble, and therefore he proteſted unto their Lordſhips before God and Angels: That the accuſation of Sir *Walter* vvas ſubſtantially true. And

further

further confeſſed that Sir *Walter* had dealt with him ſince the Queenes death to procure him a penſion from Spaine, to give intelligence vvhen any thing vvas intended by England againſt them. This letter vvas vvonderfully eſteemed by Maſter Attourney and moſt effectually applyed vvith many quaint Phraſes againſt Sir *Walter*, vvho anſvvered nothing to thoſe ſpeeches vvhich vvere perſonall, having ſaid before, that they vvere uſed onely to bring him into deteſtation of the vvorld, but ſpake to this effect. Novv it ſhall appeare that my Lord *Cobham*, is an unworthy, baſe, ſilly, ſimple poore ſoule. Maſter Atturney ſaid, Is my Lord ſo poore? Yea, (ſaid he) in Spirit. Would to God you were ſo (quoth Maſter Atturney:) Sir *Walter* proceeded; I will tell you the troth. It is true I got a poore fellow in the Tower, to caſt up a letter tyed to an apple (for ſo *Cobhams* letter was conveyed) in at my Lord *Cobhams* window, when the Lievtenant was at ſupper, (which I was loath to have ſpoken of, leaſt the Lieutenant ſhould be blamed, but all the Lieutenants in the world could not have helpt it) wherein I intreated him for Gods ſake to do me right, and to right the truth unto me: becauſe I knew not whither I ſhould be arraigned before him or no: and hereupon he writt to me how he had wronged me: and herein I did nothing that was diſhoneſt for ought I know; but I ſent him a letter againe, (becauſe I heard he ſhould be arraigned firſt) and deſired him to publiſh my innocence at his arraignment; But that notwithſtanding he writ unto me againe, which letter I have now about me (being all my hope) and I beſeech your Lordſhips to peruſe it. Maſter Atturney would not have it read, but ſaid, My Lord *Cecill* marre not a good cauſe, My Lord *Cecill* replyed, Maſter Atturney, you are more peremptory then honeſt, you muſt not come heer to ſhew me what to do. Then Sir *Walter* deſired my Lord *Cecil*

perticularly to read it, becauſe he knew my Lord *Cobham's* hand, which at his requeſt my Lord *Cecil* did. The letter was to this purpoſe. That whereas my Lord *Cobham* did not know whither he or Sir *Walter* ſhould be firſt arraigned, and becauſe the bloud of Sir *Walter*, and undoing of him, his poſterity ſhould not be required at his hands at the laſt day. Therefore he did by this letter confeſſe, that he had wronged Sir *Walter* in his former accuſation, and that Sir *Walter* was innocent of any ſuch practiſes, and this was true as he hoped to be ſaved: hereupon Sir *Walter* deſired the Jury to conſider what a man this was, and what his teſtimony was, yet if it were worth any thing. The proteſtations which he had made to cleare him, were more violent then thoſe which he had made againſt him. And the reaſon that might draw my Lord *Cobham* to vvrite this laſt letter in accuſation of him, were greater then could be alledged to perſwade him to write the letter in his excuſe: here my Lord cheife Juſtice deſired my Lord *Cecil*, and my Lord of *Northampton* to ſatisfie the Jury, that there was no condition of favour promiſed to my Lord *Cobham* for writing this laſt letter: which they both did proteſt to their knowledge. Nay ſaid Sir *Walter* I dare ſay your Lordſhipps would not offer it. But my Lord *Cobham* received a letter from his wife, that there was no way to ſave his life but to accuſe me: which was ſaid upon the going together of the Jury. Concerning the matter in my Lord *Cobhams* letter of ſtanding to his deniall, and to admit no preachers by the misfortune of my Lord of *Eſſex*, and his deſire of a penſion from *Spaine*. I proteſt to God ſaid Sir *Walter* they are falſe like as the reſt. Saving that this I do confeſſe; That my L. *Cobham* offered me a penſion, and I (alas my Lords) loath to caſt him away, and being confident that I had diſſwaded him from thoſe humours, did conceale it. But that ever I dealt with him for any ſuch

penſion

penſion is moſt untrue. And for the meeting of the Lords at Mr. Atturnies houſe, he heard ſo he proteſted by happe by a child of his. After all this, the Jury went together and ſtaid above halfe an houre, and returned with their verdict, Guilty. Then my Lord cheife Juſtice asked what he could ſay why Judgement ſhould not be given upon him. Hee ſaid he knew the Court was to give Judgement after their verdict, and ſo was willing my Lord ſhould proceede. Then my L. chiefe Juſtice pronounced Judgement againſt him in this manner, *viz.* Sir *Walter Rawleigh*, you are to be conveied to the place from whence you came, and from thence to the place of execution, and there to bee hanged till you are halfe dead, your members to be cut off, your bowells to be taken out, and caſt into the fire before your face (you being yet alive) your head to bee cut off, your quarters to be divided into foure parts, to be beſtowed in foure ſeverall places, and ſo (ſaid my Lord cheife Juſtice) Lord have mercy upon your ſoule. Sir *Walter* upon this, humbly deſired, that the King might know the proofes againſt him. And that hee did perſiſt in his loyalty, notwithſtanding the ſaid verdict (which he would pray his ſaid Jury might never anſwer for) And further ſaid, the death of him and my Lord *Cobham* ſhould witneſſe betweene them. Only he craved pardon for concealing my Lord *Cobhams* offer to him. And humbly beſought the King to have compaſſion on him, hee was a poore gentleman and had a poore wife, and a poore child, raw, and unbrought up: he had much forgotten his duty in concealing my Lord *Cobhams* fault. So Judgement being given as aforeſaid, and he having talked a while with the Lords in private, went back with the Sheriffe to the priſon, with admirable erection, yet in ſuch ſort, as a condemned man ſhould doe.

The proceedings against Sir *Walter Rawleigh* Knight, At the Kings Bench-Barre, in *Westminster*, The 28. of *October*, 1618. Together with his execution at *West minster*, on the 29 of *October* *Anno* the 16. *Jacobi Regis*: &c.

UPon Wednesday the 28 of *October*, *Anno. Dom.* 1618. The Lievtenant of the Tower according to a warrant to him directed, brought Sir *Walter Rawleigh* from the Tower, to the Kings Bench Barre at Westminster: where the Recordes of his arraignment at *Winchester* was opened; And he demanded, why execution should not be done upon him, according to the judgement therein pronounced against him.

To which he began in way of answer, to justifie himself in his proceedings in the late voyage,

But the Lord Chiefe Justice silenced him therein, saying, there was no other matter there in question, but concerning the judgement of death, that formerly hath been given against him, The which the Kings pleasure was, upon some occasions best knowne to himselfe, to have executed, unlesse he could shew good cause to the contrary.

Unto which Sir *Walter Rawleigh* said, that he was told by his Councell, That in regard his Majestie since the said judgement, had been pleased to imploy him in his service,

as

as by Commiſſion he had done, it made void the ſaid judgment, and was a verification unto him.

But the Lord Chiefe Juſtice told him, that he was therein deceived, and that the opinion of the Court was to the contrary.

Wherewith he was ſatisfyed, and deſired that ſome reaſonable time, might be allowed him to prepare him ſelfe for death.

But it was anſwered him, that the time appointed was on the morrow, and that it was not to be doubted, but that he had prepared himſelfe for death long ſince.

And I am glad ſaid the L. Chief Juſtice, that you have given the world ſo good ſatisfaction of your Religion, as by ſome bookes publiſhed by you, you have.

And ſo Maſter Atturney Generall, requiring in the Kings behalfe, that execution might be done upon the priſoner, according to the foreſaid judgement. The Sheriffs of Middleſex, were commanded for that purpoſe, to take him to their cuſtody, who preſently carryed him to the Gate-houſe.

From whence, the next morning, betweene the Sheriffs of Middleſex Sir *Walter Rawleigh* was brought to the old Palace, in Weſtminſter, where a large Scaffold was erected for the execution.

Whereupon, when he came with a cheerfull countenance, he ſaluted the Lords, Knights and Gentlemen, there preſent.

After which, a Proclamation was made for ſilence, and he addreſſed himſelfe, to ſpeake in this manner.

I deſire to be borne withall, for this is the third day of my feaver, and if I ſhall ſhew any weakneſſe, I beſeech you to attribute it to my mallady, for this is the hour in which it is wont to come.

Then pawſing a while, he ſate, and directed himſelfe towards

towards a window, where the Lord of *Arundel*, *Northampton*, and *Doncaſter* with ſome other Lords, and Knights, ſat and ſpake as followeth,

I thanke God of his infinite Goodneſſe, that he hath brought me to die in the light, and not in darkneſſe, (but by reaſon, that the place where the Lords, &c. ſate) was ſome diſtance from the Scaffold, that he perceived they could not well hear him, he ſaid, I will ſtraine my voice, for I would willingly have your honours heare me.

But my Lord of *Arundel* ſaid, Nay, we will rather come downe to the Scaffold, which he and ſome others did.

Where being come, he ſaluted them ſeverally, and then began againe to ſpeake as followeth, *viz.*

As I ſaid, I thanke God heartily, that he hath brought me into the light to dye, and that he hath not ſuffered me to dye in the darke priſon of the Tower, where I have ſuffered a great deale of miſery, and cruell ſickneſſe, and I thanke God, that my feaver hath not taken me at this time, as I prayed to God it might not.

There are two maine points of ſuſpition that his Majeſtie as I heare, hath conceived againſt mee.

To reſolve your Lordſhips wherein his Majeſty cannot be ſatisfied, which I deſire to cleer, and to reſolve your Lordſhips off:

One is, that his Majeſty hath been informed, that I have often had plotts with France, and his Majeſty had good reaſon to induce him thereunto.

One reaſon that his Majeſty had to conjecture ſo, was, that when I came back from *Guyana*, being come to *Plymouth*, I endeavoured to go in a barke to *Rochell*, which was, for that I would have made my peace, before I had come to *England*.

Another reaſon was, upon my flight, I did intend to fly into *France*, for the ſaving of my ſelfe, having had ſome terror from above.

A third reaſon is, his Majeſty had reaſon to ſuſpect, was the French Agents coming to me, beſides it was reported that I had a Commiſſion from the French King, at my going forth, theſe are the reaſons that his Majeſty had, as I am informed to ſuſpect me.

But this I ſay, for a man to call God to witneſſe, to a falſhood at the hour of death, is farre more grievous and impious, and that a man that ſo doth cannot have ſalvation, for he hath no time of repentance, then what ſhall I expect, that am going inſtantly to render up my account. I do therefore call God to witneſſe, As I hope to be ſaved, and as I hope to ſee him in his Kingdom, which I hope I ſhall within this quarter of this houre, I never had any Commiſſion from the French King, nor never ſaw the French Kings hand writing in all my life, neither know I that there was a French Agent, nor what he was, till I mett him in my gallery at my lodging unlooked for, If I ſpeake not true, O Lord let me never enter into thy Kingdome.

The ſecond ſuſpition was, that his Majeſty had been informed, that I ſhould ſpeake diſhonorably, and diſloyally of my Soveraigne; But my accuſer was a baſe french man, a runnagate fellow, one that hath no dwelling, a kinde of a Chymicall fellow, one that I knew to be perfideous, for being by him drawne into the Action of fearing my ſelfe at *Wincheſter*, in which I confeſſe my hand was toucht, hee being ſworne to ſecreſie over night revealed it the next Morning.

But this I ſpeake, now what have I to doe with Kings; I have nothing to doe with them, neither doe I feare them; I have onely now to doe with my God, in whoſe preſence I ſtand, therefore to tell a lye, were it to gaine the Kings favour, were vaine: Therefore, as I hope to be ſaved at the laſt judgement day, I never ſpake diſhonorably, diſloyal-

ly,

ly, or diſhoneſtly of his Majeſty in all my life; And therefore I cannot but thinke it ſtrange, that that Frenchman being ſo baſe and meane a fellow ſhould be ſo farr credited as he hath been.

I have dealt truely, as I hope to be ſaved, and I hope I ſhall be beleeved: I confeſſe, I did attempt to eſcape, I cannot excuſe it, but it was onely to ſave my life.

And I doe likewiſe confeſſe, that I did faigne my ſelfe to be ill diſpoſed and ſick at *Salisbury*, but I hope it was no ſinne, for the Prophet *David* did make himſelfe a foole, and ſuffered ſpittle to fall down upon his beard, to eſcape from the hands of his enemies, and it was not imputed unto him: ſo, what I did, I intended no ill, but to gaine and prolong time till his Majeſty came, hoping for ſome Commiſeration from him.

But I forgive this French-man and Sir *Lewis Stewkelye* withall my heart, for I have received the Sacrament this morning of Maſter Deane of *Weſtminſter*, and I have forgiven all men, but that they that are perfideous, I am bound in charity to ſpeake, that all men may take heede of them.

Sir *Lewis Stewkeley*, my keeper and kinſman, hath affirmed that I ſhould tell him, that my Lord *Carewe*, and my Lord of *Doncaſter* heer, did adviſe me to eſcape, but I proteſt before God, I never told him any ſuch thing, neither did the Lords adviſe me to any ſuch matter: neither is it likely that I ſhould tell him any ſuch thing, of two privy-Councellors: neither had I any reaſon to tell him, or he to report it; for it is well knowne, he left me 6, 7, 8, 9 and 10 dayes together alone, to go whither I liſted, whileſt he rod himſelfe about the Countrey.

He further accuſed me, that I ſhould ſhew him a letter whereby, I did ſignifie unto him, that I would give him ten thouſand pounds for my eſcape; But God caſt my

ſoule

ſoule into everlaſting fire, if I made any ſuch profer of 10000 pounds, or 1000, but indeed I ſhewed him a letter, that if he would go with me, there ſhould be order taken for his debts when he was gone, neither had I 10000 pound to give him, for if I had had ſo much, I could have made my peace better with it otherwayes, then in giving it to *Stewkeley*.

Further, when I came to Sir *Edward Pelhams* houſe, who had been a follower of mine, and who gave me good entertainment. He gave out, that I had there received ſome dramme of poyſon, when I anſwered him that I feared no ſuch thing, for I was well aſſured of them in the houſe, and therefore wiſht him to have no ſuch thought; now God forgive him for I do, and I deſire God to forgive him, I will not onely ſay, God is a God of revenge; But I deſire God to forgive him, as I do deſire to be forgiven of God.

Then looking over his noate of remembrance, well ſaid he, thus farre I have gone, a little more, a little more, and I will have done by and by.

It was told the King that I was brought per-force into *England*, and that I did not intend to come againe; But Sir *Charles Parker*, M. *Treſham*, M. *Leake*, and divers know how I was dealt withall by the common-ſouldiers, which were 150 in number, who mutined, and ſent for me to come into the ſhip to them, for unto me they would not come, and there was I foreed for to take an oath, that I would not go into *England*, till that they would have me; otherwiſe they would have caſt me into the ſea, and therewithall they drove me into my Cabbin, and bent all their forces againſt me.

Now after I had taken this oath, with wine, and other things, ſuch as I had about me, I drew ſome of the cheifeſt to deſiſt from their purpoſes; and at lengeh, I

perſwaded them to goe into *Ireland*, which they were willing unto, and would have gone into the North parts of *Ireland*, which I diſſwaded them from, and told them that they were *Red-Shanks* that muſt breed there, and with much adoe, I perſwaded them to go into the ſouth parts of *Ireland*, promiſing them to get their pardons, and was forced to give them 125 pound at *Kinſall*, to bring them home, otherwiſe I had never got from them.

I heare likewiſe, there was a report, that I meant not to go to *Guyana* at all, and that I knew not of any myne, nor intended any ſuch thing or matter, but onely to get my liberty, which I had not the wit to keep.

But I proteſt it was my full intent, and for gold, for gold for the benefit of his Majeſty, and my ſelfe, and of thoſe that ventured, and went with me, with the reſt of my countreymen: But he that knew the head of the myne would not diſcover it, when he ſaw my ſonne was ſlain:, but made away himſelfe.

And then turning to my Earle of *Arundel*, he ſaid, My Lord, being in the Gallery of my ſhip, at my departure, I remember your Honor took me by the hand, and ſaid, you would requeſt one thing of me, which was, that whither I made a good voyage or a bad, I ſhould not fayle, but to returne againe into *England*, which I then promiſed you, and gave you my faith I would, and ſo I have.

To which my Lord anſwered and ſaid, it is true, I do very well remember it, they were the very laſt words I ſpake unto you

Another ſlander was raiſed of me, that I would have gone away from them, and left them at *Guyana*.

But there was a great many worthy men, that accompanied me alwayes, as my Serieant Major, *George Rawleigh* and divers others, which knew my intent was nothing ſo.

Another opinion was held of me, that I carried with me

to

to ſea, 16000 peeces, and that vvas all the voyage I intended, onely to get mony into my hands.

As I ſhall anſvver it before God, I had not in all the world in my hands or others to my uſe, either directly or indirectly, above a hundred pound, whereof when I went I gave my wife 25 pounds thereof, but the error thereof came as I perceived, by looking over the Screvenors bookes, where they found the bills of adventure ariſing to a great ſum, ſo raiſed that falſe report.

Onely I will borrow a little time of M. Sheriffes to ſpeake of one thing, that doth make my heart to bleed, to heare that ſuch an imputation ſhould be layd upon me, for it is ſaid, that I ſhould be a perſecutor of the death of the Earle of *Eſſex*, and that I ſtood in a window over againſt him, when he ſuffered, and puffed out tobacco in disdaine of him, God I take to witneſſe, I ſhed teares for him when he died, and as I hope to looke God in the face hereafter, my Lord of *Eſſex* did not ſee my face, when he ſuffered, for I was a farre off in the Armory, where I ſaw him, but he ſaw not me.

I confeſſe indeed I was of a contrary faction, but I know my Lord of *Eſſex* was a noble gentleman, and that it would be worſe with me when he was gone; for I got the hate of thoſe which vviſhad me well before, and thoſe that ſet me againſt him, afterwards ſet themſelves againſt me, and was my greateſt enemies, and my ſoule hath many times been grieved, that I was not nearer him vvhen he died; becauſe as I underſtood aftervvards, that he asked for me at his death, to have been reconcyled unto me.

And theſe be the materiall pointss I thought good to ſpeake of, and I ame novv at this inſtant, to render up an account to God, and I proteſt as I ſhall appeare before him, this that I have ſpoken is true, and I hope I ſhalbe beleeved

Then a proclamation being made, that all men ſhould

depart the Scaffold, he prepared himſelfe for death: giving away his hat, his cap, vvith ſome mony, to ſuch as he knevv, that ſtood neer him.

And then taking his leave of the Lords, Knights, Gentlemen, and others of his acquaintance, and amongſt the reſt, taking his leave of my Lord of *Arundel*, he thanked him for his company, and intreated him to deſire the King that no ſcandalous vvriting to defame him, might be publiſhed after his death, ſaying further unto him, I have a long journey to go, and therefore I vvill take my leave.

And then putting off his doublet, and govvne, he deſired the headſman to ſhevv him the Axe, vvhich not being ſuddenly granted unto him, he ſaid I prethee, let me ſee it, doſt thou thinke that I am afraid of it, ſo it being given unto him, he felt along upon the edge of it, and ſmiling, ſpake unto M. Sheriffe ſaying, this is a ſharpe medecine, but it is a phyſitian that will cure all diſeaſes.

Then going to and fro upon the Scaffold on every ſide, he intreated the company to pray to God to give him ſtrength.

Then having ended his ſpeech, the executioner kneeled downe and asked him forgiveneſſe, the which laying his hand upon his ſhoulder he forgave him.

Then being asked, which way he would lay himſelf on the block, he made anſwer and ſaid, ſo the heart be ſtreight it is no matter which way the head lyeth: So laying his head on the block, his face being towards the Eaſt, the headſman throwing downe his owne cloak, becauſe he would not ſpoyl the priſoners gowne, he giving the headſman a ſigne when he ſhould ſtrike, by lifting up his hands, the executioner ſtrook of his head, at two blowes, his body never ſhrinking nor mooving, his head was ſhewed on each ſide of the Scaffold, and then put into a red leather bag, and his wrought velvet gowne throwne over it, which was afterwards conveyed away in a mourning coach of his

Sir

Sir *Walter Rawleigh's* Letter to the King the night before his death.

THe life which I had moſt mighty Prince, the law hath taken from me, and I am now but the ſame earth and duſt out of which I was made. If my offence had any proportion with your Majeſties mercy I might deſpaire, or if my deſerving had any quantity with your Majeſties unmeaſurable goodneſſe I might yet have hope, but it is you that muſt judge and not I, name, blood, gentility, or eſtate I have none; no not ſo much as a being, no not ſo much as a vitam planta: I have onely a penetent ſoule in a body of iron, which mooveth towards the load-ſtone of death, and cannot be withheld from touching it, except your Majeſties mercy turne the point towards me that expelleth. Loſt I am for hearing of vain man, for hearing only and never beleeving nor accepting: and ſo little account I made of that ſpeech of his, which was my condemnation (as my forſaking him doth truly witneſſe) that I never remembred any ſuch thing, till it was at my tryall objected againſt me. So did he repay my care, who cared to make him good, which I now ſee no care of man can effect. But God (for my offence to him) hath laid this heavy burthen on me, miſerable and unfortunate wretch that I am. But for not loving you (my Soveraigne) God hath not layd this ſorrow on me: for he knowes (with whom I am not in caſe to lye) that I honored your Majeſty by fame, and loved and admired

you

*You by knowledge, So that whither I live or dye, your Majesties loving servant I will live and die. If now I write what seemes not wellfavoured (*Most mercifull Prince*) vouchsafe to ascribe it to the councell of a dead heart, and to a minde that sorrow hath confounded. But the more my misery is, the more is your Majesties mercy (if you please to behold it) and the lesse I can deserve, the more liberall your Majesties gift shall be: herein you shall onely imitate God, giving free life: and by giving to such a one from whom there can be no retribution, but onely a desire to pay a lent life with the same great love, which the same great goodnesse shall bestow on it. This being the first letter, that ever your Majesty received from a dead man: I humbly submit my selfe to the will of God my supream Lord, and shall willingly and patiently suffer whatsoever it shall please your Majestie to afflict me withall,*

Walter Rawleigh.

The

The Copy of Sir *Walter Rawleigh's* Letter to his *Wife*, the night before his death.

YOu ſhall now receive (my deare wife) my laſt words in theſe my laſt lines. My love I ſend you that you may keep it when I am dead, and my counſell that you may remember it when I am no more I would not by my will preſent you with ſorrowes (Deare Beſſe) let them go into the grave with me and be buried in the duſt. And ſeeing that it is not Gods will that I ſhould ſee you any more in this life, beare it patiently, and with a heart like thy ſelfe. Firſt I ſend you all the thankes which my heart can conceive, or my words can expreſſe for your many travailes, and care taken for me, which though they have not taken effect as you wiſhed, yet my debt to you is not the leſſe: but pay it I never ſhall in this world. Secondly, I beſeech you for the love you beare me living, do not hide your ſelfe many dayes, but by your travailes ſeeke to helpe your miſerable fortunes, and the right of your poor childe. Thy mourning cannot availe me, I am but duſt. Thirdly you ſhall underſtand, that my land was conveyed bona fide to my childe: the writings were drawne at midſummer was twelve monthes, my honeſt coſen Brett can teſtify ſo much, and Dolberry too, can remember ſomewhat therein. And I truſt my blood will quench their malice that have cruelly murthered me: and that they will not ſeek alſo to kill thee and thine with extreame poverty. To what friend to direct thee I know not, for all mine have left me in the true time of tryall. And I perceive that my death was determined from the firſt day. Moſt ſorry I am God knowes that being thus ſurpriſed with death I can leave you in no better eſtate. God is my witneſſe I meant you all my office of wines or all that I could have purchaſed by ſelling it, halfe my ſtuffe, and all my jewels, but ſome one for the boy, but God hath prevented all my reſolutions. That great God that ruleth all in all, but if you can live free from want, care for no more, the reſt is but vanity. Love God, and begin betimes to repoſe your ſelfe upon him, and therein ſhall you finde true and laſting riches, and endleſſe comfort: for the reſt when you have travelled and wearied your thoughts over all ſorts of worldly cogitations, you ſhall but ſit downe by ſorrow in the end. Teach your ſon alſo to love and feare God whilſt he is yet young, that the feare of God may grow with him, and then God will be a husband to you, and a father to him; a husband and a father which cannot

be

le taken from you. Baily *oweth me* 200 *pounds, and* Adrian 600 *in Jersey I also have much owing me beside. The arrearages of the wines will pay your debts. And howsoever your do, for my soules sake, pay all poore men. When I am gone, no doubt you shall be sought too, for the world thinkes that I was very rich. But take heed of the pretences of men, and their affections, for they last not but in honest and worthy men, and no greater misery can befall you in this life, then to become a prey, and afterwards to be despised. I speake not this (God knowes) to dissuade you from marriage, for it will be best for you both in respect of the world and of God. As for me I am no more yours, nor you mine, death hath cut us asunder: and God hath divided me from the world, and you from me. Remember your poore childe for his fathers sake, who chose you, and loved you in his happiest times. Get those letters (if it be possible) which I writ to the Lords, wherein I sued for my life: God is my witnesse it was for you and yours that I desired life, but it is true that I disdained my self for begging of it: for know it (my deare wife) that your son is the son of a true man, and who in his owne respect despiseth death and all his mishapen & ugly formes. I cannot write much, God he knows how hardly I steale this time while others sleep, and it is also time that I should separate my thoughts from the world. Begg my dead body which living was denied thee; and either lay it at* Sherburne (*and if the land continue*) *or in* Exeter-Church *by my Father and Mother; I can say no more, time and death call me away, The everlasting, powerfull, infinite, and omnipotent God, That Almighty God, who is goodnesse it selfe, the true life and true light keep thee and thine: have mercy on me, and teach me to forgive my persecutors and accusers, and send us to meet in his glorious Kingdome. My deare wife farewell. Blesse my poore boy. Pray for me, and let my good God hold you both in his armes. Written with the dying hand of sometimes thy Husband, but now alasse overthrowne;*

Walter Rawleigh.

FINIS.